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Letter dated 29 May 2001 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions, I am writing with reference to the upcoming renewal of the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP), in order to state once more the position of my Government on the issue. This has become necessary in view of the continuing effort by the Government of Turkey and its subordinate local administration in the occupied areas of Cyprus, to exploit the issue of the renewal of the mandate of UNFICYP in order to gain some form of recognition or acknowledgement of the status of the secessionist entity, the so-called Turkish Republic of Northern Cyprus (TRNC) which has been declared "legally invalid" by Security Council resolution 541 (1983). This is also evident by the letter dated 18 May 2001 (A/55/949-S/2001/507) addressed to you by the Permanent Representative of the Republic of Turkey.

The Government of Turkey has been pursuing its effort to gain recognition for the secessionist entity it has created and maintains in Cyprus with the use of force, in contravention of Article 2 (4) of the Charter of the United Nations and every notion of international law, by, inter alia, attempting to unscrupulously manipulate the presence of UNFICYP, and by demanding the signing of a Memorandum of Understanding between the United Nations and the so-called TRNC that would outline the modalities of the operation of the Force.

With regard to the presence and continued operation of UNFICYP in Cyprus, my Government's position has been made clear in my letters dated 13 February 2001 (A/55/782-S/2001/133) and 14 February 2001 (A/55/784-S/2001/136). It suffices to mention that:

1. In accordance with Security Council resolution 186 (1964), the only required and relevant consent for the extension of the mandate of UNFICYP is that of the Government of the Republic of Cyprus. Paragraph 4 of resolution 186 (1964) states the following: "Recommends the creation, with the consent of the Government of Cyprus, of a United Nations Peacekeeping Force in Cyprus. The composition and size of the Force shall be established by the Secretary-General, in consultation with

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the Governments of Cyprus, Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland."

2. The so-called TRNC which the Turkish Government wants the United Nations to sign an agreement with, has been aptly declared by the Security Council in its resolution 541 (1983) as "legally invalid" while resolution 550 (1984) calls upon all States not to facilitate or in any way assist the secessionist entity. Furthermore, the European Court of Human Rights with its decisions (the most recent being the decision of 10 May 2001 in the Fourth State Recourse by the Republic of Cyprus against the Republic of Turkey) has described the illegal regime as "a subordinate local administration of Turkey". It is obvious that the United Nations cannot sign an agreement with a secessionist entity that has been condemned by the Council. It is indeed disturbing that Turkey pursues its long-standing objective to legalize its aggression against the Republic of Cyprus, knowing full well that the United Nations, which must respect and be guided in its work by the provisions of its resolutions, cannot proceed to sign a Memorandum of Understanding with the secessionist entity.

3. The Cyprus problem is a question of foreign invasion and occupation of one third of the territory of the Republic of Cyprus by a powerful neighbour, the Republic of Turkey, which, as has been confirmed by the European Court of Human Rights, has effective control over the occupied territory, in view of the massive presence of its military forces. It is no secret that the subordinate local administration of Turkey, the so-called TRNC, depends entirely on the occupying power, which finances its budget. It should be recalled that following the Turkish invasion in 1974, practical military local arrangements along the ceasefire line had been established. More specifically, in relation to the part of Cyprus occupied by the Republic of Turkey, the relevant local elements are the Turkish Mainland Army (which the United Nations holds responsible for the ceasefire) and other elements under that Army's overall control.

The Turkish side attempts to exploit and misrepresent references in the report of the Panel on United Nations Peace Operations (Brahimi report) (see A/55/305-S/2000/809). Indeed the Brahimi report explicitly states that "impartiality for United Nations operations must therefore mean adherence to the principles of the Charter" and highlights that "no failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor" (see executive summary, ninth paragraph).

Moreover, Turkey intentionally tries to create confusion as to the sides to the good offices mission of the Secretary-General, and those referred to in resolution 186 (1964). For reasons of clarity, it is emphasized that the two sides to the good offices mission are the representatives of the two communities, the Greek Cypriot community having constituted 82 per cent of the population and the Turkish Cypriot community 18 per cent of the population before the massive emigration of Turkish Cypriots due to the repressive policies of the occupation regime. On the other hand, the parties referred to in resolution 186 (1964) are the Government of Cyprus, whose consent is required for the presence and renewal of the mandate of

UNFICYP, and the three guarantor powers, namely, Greece, Turkey and the United Kingdom, which are to be consulted about the size and the composition of the force.

Turkey's attitude raises questions as to its true motives in revisiting such an issue at the present juncture. One wonders whether it aims at putting further strain on its relationship with the United Nations in order to justify its non-compliance with resolution 1331 (2000) and to continue its unacceptable measures directed against UNFICYP. One further wonders whether Turkey and the Turkish Cypriot leader, whose intransigence is well known to all who have dealt with the Cyprus problem, try to divert attention from their refusal to return to the negotiating table under your auspices.

As to the other misleading allegations contained in the letter by the Permanent Representative of Turkey, those have been refuted time and again and will be answered in due time.

I should be grateful if the text of the present letter would be circulated as a document of the fifty-fifth session of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Sotirios **Zackheos**
Ambassador
Permanent Representative